

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

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JAMES THOMAS and DAVID HIXSON, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

No. 3:17-cv-00005

DAVID W. PURKEY, Commissioner of the
Tennessee Department of Safety and Home-
land Security,

Defendant.

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PLANTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.01,
Plaintiffs, and the putative class they seek to represent, hereby move for summary judgment in
their favor, as follows:

- declaring Tenn. Code Ann. § 40-24-105(b) (the “Statute”) unconstitutional, as a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment to Constitution of the United States;
- directing the reinstatement (without fees) of the driver’s licenses of those who have been deprived of them under the Statute; and
- enjoining Defendant Purkey from revoking driver’s licenses pursuant to the Statute without a prior determination that failure to pay is not due to indigency but rather is “willful” within the meaning of *Bearden v. Georgia*, 461 U.S. 660 (1983).

In support of the motion, plaintiffs submit

- a Stipulation of Facts, with exhibit;
- a Statement Pursuant to Local Rule 56.01 of Material Facts as to Which There is No Genuine Dispute, with exhibits;
- declarations of David Hixson, Edward P. Krugman, and James Thomas; and

- a Memorandum of Law, which pursuant to agreement and this Court's Order of August 8, 2017 (ECF #33), is also Plaintiffs' opposition to Defendant's motion to dismiss.

s/ Lori H. Patterson

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August 18, 2017

* Pro Hac Vice Application
 Filed or Forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2017, a true and correct copy of the foregoing Plaintiffs' Motion for Summary Judgment was filed with the Court using the CM/ECF system which will send notice to counsel of record who are registered with the CM/ECF system.

/s/ Matthew G. White
